

Pike Industries, Inc.
York County
Elliot, Maine
A-799-71-F-R/A (SM)

) Departmental
) Findings of Fact and Order
) Air Emission License

After review of the air emissions license renewal application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A., Section 344 and Section 590, the Department finds the following facts:

I. REGISTRATION

A. Introduction

1. Pike Industries, Inc. (Pike) of Lewiston, Maine has applied to renew their Air Emission License permitting the operation of emission sources associated with the Rocky Hill Quarry asphalt production facility (**P717**) located in Elliot, Maine.
2. This renewal will also include an amendment to update the facility's equipment inventory to include an asphalt storage silo heater that was not previously listed as licensed equipment in the facility's air permit.

B. Emission Equipment

Pike is authorized to operate the following equipment:

Asphalt Batch Plant

<u>Equipment</u>	<u>Production Rate (tons/hr)</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Date of Manufacture</u>	<u>Control Devices</u>
Rotary Kiln (P717)	350	110	2000	Baghouse

Asphalt Storage-silo Hot Oil Heater

<u>Equipment</u>	<u>Maximum Capacity (MMBtu/hr)</u>	<u>Fuel Type, % Sulfur</u>	<u>Maximum Firing Rate (gallon/hour)</u>
Silo Heater (P717)	1.5	#2 Fuel Oil, 0.5% S #4 and Spec. Waste Oil, 0.7% S Natural gas	7.5

C. Application Classification

Pike Industries, Inc. is a licensed source with equipment that has not been addressed in the facility's previous air emissions licenses. The license renewal shall include the operation of the previously unlisted equipment. Therefore, the application for Pike Industries, Inc. is considered to be a renewal and amendment.

II. BEST PRACTICAL TREATMENT (BPT)

A. Introduction

In order to receive a license the applicant must control emissions from each unit to a level considered by the Department to represent Best Practical Treatment (BPT), as defined in Chapter 100 of the Department regulations. Separate control requirement categories exist for new and existing equipment as well as for those sources located in designated non-attainment areas.

BPT for existing emissions equipment means that method which controls or reduces emissions to the lowest possible level considering:

- the existing state of technology;
- the effectiveness of available alternatives for reducing emission from the source being considered; and
- the economic feasibility for the type of establishment involved.

BPT for new sources and modifications requires a demonstration that emissions are receiving Best Available Control Technology (BACT), as defined in Chapter 100 of the Air Regulations. BACT is a top-down approach to selecting air emission controls considering economic, environmental and energy impacts.

B. Asphalt Drum Plant

Pike operates an asphalt drum plant, designated P717, at their Elliot, Maine facility. P717 has a maximum designed heat input capacity of 110 MMBtu/hr and a maximum design process rate of 350 tons per hour. P717 was manufactured in 2000 and is therefore subject to EPA New Source Performance Standards (NSPS) Subpart I for Hot Mix Asphalt Facilities.

As a requirement of NSPS Subpart I for Hot Mix Asphalt Facilities, Pike is required to perform an initial performance test on asphalt drum plant P717. Pike contracted TRC Environmental Corporation (TRC), of Lowell, Massachusetts, to conduct the required compliance testing in November, 2001. A copy of the compliance testing report showing compliance with the facility's air emission license was submitted to the Department by Pike and is on file.

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Pike was previously licensed to fire no greater than 450,000 gallons per year (gal/yr) of #2 fuel oil, with a sulfur content of no greater than 0.5% sulfur by weight, based on a twelve-month rolling total. Pike has requested a reduction in the fuel restriction to reduce the total annual emissions of criteria pollutants for the facility to levels below the Department's Chapter 137 applicability thresholds. Pike has requested that the annual fuel restriction for fuel oil fired in asphalt plant P717 be reduced to firing no greater than 225,000 gal/yr of a combination of #2 fuel oil, with a sulfur content of no greater than 0.5% sulfur by weight, #4 fuel oil and specification waste oil, with a sulfur content of no greater than 0.7% sulfur by weight, on a calendar year basis.

Pike was previously licensed to fire no greater than 363.0 MMscf/yr of natural gas in asphalt drum plant P717 on a calendar year basis. As discussed above, Pike has requested a reduction in the natural gas fuel restriction in order to get below the Department's Chapter 137 applicability thresholds. Pike has requested an annual natural gas restriction of 160.0 MMscf/yr of natural gas fired in asphalt drum plant P717 on a calendar year basis.

Pike shall maintain a record of fuel use for the asphalt plant, which shall include fuel purchase receipts indicating the quantity and sulfur content of the purchased fuel. The fuel record shall be maintained on a monthly as well as on a calendar year basis.

To meet requirements of BPT, the asphalt batch plant vents to a baghouse. The performance of the baghouse shall be constantly monitored by either of the following at all times the batch plant is in operation:

1. PM Detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20% based on a 6-minute block average basis.
2. Personnel with an EPA Method 9 visible emissions certification within the past 6 months – when the opacity exceeds 20%, the hot mix asphalt batch plant is operating with insufficient control and Pike shall take corrective action immediately.

Only waste oil meeting the criteria “specification” waste oil (as defined in the “Waste Oil Management Rules”) may be fired in the asphalt plant. Pike shall keep the results of a representative waste oil test on site. If the equipment or operations that produce the on-site waste oil change, then a new representative sample shall be tested. The Department may also request additional testing in the future, if deemed necessary.

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Pike shall establish a system of maintenance, inspection and repair for the asphalt batch plant baghouse, which shall allow for periodic inspection of the system. Pike shall document compliance by means of a maintenance, inspection and repair log in which Pike shall record the date all bag failures and all routine maintenance as well as all inspection dates and findings.

A summary of the BPT analysis for the Asphalt Drum Plant P717 is as follows.

1. BPT for PM is emissions not to exceed 0.03 gr/dscf. PM₁₀ emission limits are based on PM limits.
2. For the use of #2 fuel oil, BPT is a sulfur content not to exceed 0.5% sulfur by weight and for the use of #4 fuel oil and specification waste oil, BPT is a sulfur content not to exceed 0.7% sulfur by weight.
3. SO₂ emissions limits based on mass balance.
4. NO_x, CO and VOC emission limits are based upon AP-42 data dated 12/00 for #2 fuel and 12/00 for natural gas.
5. Visible Emissions for the Asphalt Drum Plant baghouse is limited to no greater than 20% opacity on a 6-minute block average, except for no more than two 6-minute block averages in a continuous 3-hour period.

Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the commissioner at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil.

In addition to the above, Pike may process up to 5,000 cubic yards per year of soil contaminated with virgin oil, as defined by the Bureau of Air Quality, without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

Virgin Oil Definition:

Virgin oil means any petroleum derived oil, including petroleum fuels, unused motor oils, hydraulic fluids, lubrication oils and other industrial oils, that are not characterized as waste oil.

Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants.

When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management.

C. Asphalt Storage-silo Hot Oil Heater

Pike makes use of a 1.5 MMBtu/hr asphalt storage-silo hot oil heater unit, designated Silo Heater #1, to maintain the heat in the asphalt storage silos. The heater heats oil, which is in turn circulated through the silo imparting heat to the asphalt contained in the silo.

Pike shall include the fuel consumed in the asphalt storage tank heaters as part of the asphalt plant fuel record and the total fuel consumed in the asphalt storage-silo heater shall be included under the licensed asphalt plant fuel restriction of 225,000 gallons per year.

Because the asphalt storage-silo hot oil heater is considered new equipment, an application of Best Available Control Technology (BACT) is required. Ordinarily, BACT for new or modified #2 fuel oil burning equipment requires the use of #2 fuel oil with a sulfur content of no greater than 0.35% sulfur by weight. In this case, the Department shall consider BACT satisfied with the current license requirement for the use of #2 fuel oil with a sulfur content of no greater than 0.5% sulfur by weight in the asphalt storage-silo hot oil heater for the following reason:

- a. Pike maintains a contract for oil delivery to their Rocky Hill Quarry in Elliot, Maine for #2 fuel oil with a sulfur content of no greater than 0.5% sulfur by weight. If this amendment were to establish a sulfur limit of no greater than 0.35% sulfur by weight for new equipment, Pike would be required to either establish a separate contract for fuel delivery for the new equipment, construct a new fuel containment and handling system to service the new equipment or establish a new contract for fuel oil with a lower sulfur fuel for all the facility's fuel burning equipment. This would cause an excessive monetary expense to the facility.

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- b. The current license already establishes annual SO₂ emissions from the licensed asphalt plant based on the current total annual fuel oil usage limit of 225,000 gallons per year. Pike is not requesting that the currently licensed total annual fuel usage limit be increased to add additional fuel to service the asphalt storage-silo heater.

A summary of the BPT analysis for the asphalt storage tank heater is as follows.

1. BPT for PM for the asphalt storage tank heaters is 0.12 lb/MMBtu. PM₁₀ emission limits are based on PM limits.
2. BPT sulfur content for the #2 fuel oil fired in the asphalt storage tank heater is no greater than 0.5% sulfur by weight.
3. SO₂, NO_x, CO and VOC emission rates are based on AP-42 data dated 10/98 for oil fired boilers firing #2 fuel oil (0.5% sulfur).
4. Visible emissions from the asphalt storage tank heater shall not exceed 20% on a 6-minute block average.

D. Fugitive Emissions

Visible emissions from potential sources of fugitive particulate matter emissions, including material screens, material stockpiles and unpaved roadways, shall not exceed an opacity of 20%, except for no more than 5-minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20% in any 1-hour.

E. Annual Emission Restrictions

- Total fuel oil use in the asphalt drum plant shall not exceed 225,000 gal/year of a combination of #2 fuel oil with a sulfur content of no greater than 0.5% sulfur, #4 fuel oil and specification waste oil with a sulfur content of no greater than 0.7% sulfur by weight, on a calendar year basis.
- Total natural gas use in the asphalt drum plant shall not exceed 160.0 MMscf/yr of natural gas, on a calendar year basis.

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Pike shall be assessed fees based on the following annual emissions based on a twelve-month rolling total:

<u>Pollutant</u>	<u>Total (tons/yr)</u>
PM	8.9
PM ₁₀	8.9
SO ₂	12.0
NO _x	9.6
CO	40.6
VOC	13.7

III.AMBIENT AIR QUALITY ANALYSIS

According to the Maine Regulations Chapter 115, the level of air quality analyses required for a minor source shall be determined on a case-by case basis. Based on the information available in the file, and the similarity to existing sources, Maine Ambient Air Quality Standards (MAAQS) will not be violated by this source. Based on the total facility emissions, Pike is below the emissions level required for modeling and monitoring.

ORDER

Based on the above Findings and subject to conditions listed below, the Department concludes that the emissions from this source:

- will receive Best Practical Treatment,
- will not violate applicable emission standards,
- will not violate applicable ambient air quality standards in conjunction with emissions from other sources.

The Department hereby grants Air Emission License A-799-71-F-R/A (SM) subject to the following conditions:

STANDARD CONDITIONS

- (1) Employees and authorized representatives of the Department shall be allowed access to the licensee's premises during business hours, or any time during which any emissions units are in operation, and at such other times as the Department deems necessary for the purpose of performing tests, collecting samples, conducting inspections, or examining and copying records relating to emissions (38 MRSA §347-C).
- (2) The licensee shall acquire a new or amended air emission license prior to commencing construction of a modification, unless specifically provided for in Chapter 115.

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- (3) Approval to construct shall become invalid if the source has not commenced construction within eighteen (18) months after receipt of such approval or if construction is discontinued for a period of eighteen (18) months or more. The Department may extend this time period upon a satisfactory showing that an extension is justified, but may condition such extension upon a review of either the control technology analysis or the ambient air quality standards analysis, or both.
- (4) The licensee shall establish and maintain a continuing program of best management practices for suppression of fugitive particulate matter during any period of construction, reconstruction, or operation which may result in fugitive dust, and shall submit a description of the program to the Department upon request.
- (5) The licensee shall pay the annual air emission license fee to the Department, calculated pursuant to 38 M.R.S.A. §353.
- (6) The license does not convey any property rights of any sort, or any exclusive privilege.
- (7) The licensee shall maintain and operate all emission units and air pollution systems required by the air emission license in a manner consistent with good air pollution control practice for minimizing emissions.
- (8) The licensee shall maintain sufficient records to accurately document compliance with emission standards and license conditions and shall maintain such records for a minimum of six (6) years. The records shall be submitted to the Department upon written request.
- (9) The licensee shall comply with all terms and conditions of the air emission license. The filing of an appeal by the licensee, the notification of planned changes or anticipated noncompliance by the licensee, or the filing of an application by the licensee for a renewal of a license or amendment shall not stay any condition of the license.
- (10) The licensee may not use as a defense in an enforcement action that the disruption, cessation, or reduction of licensed operations would have been necessary in order to maintain compliance with the conditions of the air emission license.

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- (11) In accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department, the licensee shall:
- (i) perform stack testing to demonstrate compliance with the applicable emission standards under circumstances representative of the facility's normal process and operating conditions:
 - a. within sixty (60) calendar days of receipt of a notification to test from the Department or EPA, if visible emissions, equipment operating parameters, staff inspection, air monitoring or other cause indicate to the Department that equipment may be operating out of compliance with emission standards or license conditions; or
 - b. pursuant to any other requirement of this license to perform stack testing.
 - (ii) install or make provisions to install test ports that meet the criteria of 40 CFR Part 60, Appendix A, and test platforms, if necessary, and other accommodations necessary to allow emission testing; and
 - (iii) submit a written report to the Department within thirty (30) days from date of test completion.
- (12) If the results of a stack test performed under circumstances representative of the facility's normal process and operating conditions indicate emissions in excess of the applicable standards, then:
- (i) within thirty (30) days following receipt of such test results, the licensee shall re-test the non-complying emission source under circumstances representative of the facility's normal process and operating conditions and in accordance with the Department's air emission compliance test protocol and 40 CFR Part 60 or other method approved or required by the Department; and
 - (ii) the days of violation shall be presumed to include the date of stack test and each and every day of operation thereafter until compliance is demonstrated under normal and representative process and operating conditions, except to the extent that the facility can prove to the satisfaction of the Department that there were intervening days during which no violation occurred or that the violation was not continuing in nature; and

- (iii)the licensee may, upon the approval of the Department following the successful demonstration of compliance at alternative load conditions, operate under such alternative load conditions on an interim basis prior to a demonstration of compliance under normal and representative process and operating conditions.
- (13) Notwithstanding any other provisions in the State Implementation Plan approved by the EPA or Section 114(a) of the CAA, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any statute, regulation, or Part 70 license requirement.
- (14) The licensee shall maintain records of malfunctions, failures, downtime, and any other similar change in operation of air pollution control systems or the emissions unit itself that would affect emission and that is not consistent with the terms and conditions of the air emission license. The licensee shall notify the Department within two (2) days or the next state working day, whichever is later, of such occasions where such changes result in an increase of emissions. The licensee shall report all excess emissions in the units of the applicable emission limitation.
- (15) Upon written request from the Department, the licensee shall establish and maintain such records, make such reports, install, use and maintain such monitoring equipment, sample such emissions (in accordance with such methods, at such locations, at such intervals, and in such a manner as the Department shall prescribe), and provide other information as the Department may reasonably require to determine the licensee's compliance status.

SPECIFIC CONDITIONS

- (16) Asphalt Drum Plant
- A. Total fuel use in asphalt drum plant P717 shall not exceed 225,000 gal/yr of a combination of #2 fuel oil with a sulfur content of no greater than 0.5% sulfur, #4 fuel oil and specification waste oil with a sulfur content of no greater than 0.7% sulfur by weight, on a calendar year basis. [MEDEP Chapter 115, BPT]
- B. Pike is also permitted to fire no greater than 160.0 MMscf/yr of natural gas in asphalt drum plant P717 on a calendar year basis
- C. Pike shall maintain a record of fuel use for asphalt drum plant P717, which shall include fuel purchase receipts indicating the quantity of fuel combusted and supplier certification indicating sulfur content of the purchased fuel. The fuel record shall be maintained on a monthly as well as on a calendar year basis. [MEDEP Chapter 115, BPT]

- D. Emissions from asphalt drum plant P717 shall vent to a baghouse and all components of the asphalt drum plant shall be maintained so as to prevent particulate matter leaks. [MEDEP Chapter 115, BPT]
- E. Visible Emissions for the asphalt drum plant baghouse are limited to no greater than 20% opacity on a 6-minute block average, except for no more than two 6-minute block averages in a continuous 3-hour period. [MEDEP Chapter 101]
- F. The performance of the baghouse shall be constantly monitored by either of the following at all times the batch plant is in operation:
1. PM Detector – when the detector signals excessive PM concentrations in the exhaust stream, Pike shall take corrective action within 24 hours, or immediately if opacity exceeds 20% based on a 6-minute block average basis.
 2. Personnel with an EPA Method 9 visible emissions certification within the past 6 months – when the opacity exceeds 20%, the hot mix asphalt batch plant is operating with insufficient control and Pike shall take corrective action immediately.
- [MEDEP Chapter 115, BPT]
- G. Pike shall establish a system of maintenance, inspection and repair for the asphalt drum plant baghouse, which shall allow for periodic inspection of the system. Pike shall document compliance by means of a maintenance, inspection and repair log in which Pike shall record the date of all bag failures and all routine maintenance as well as all inspection dates, findings and corrective actions. [MEDEP Chapter 115, BPT]
- H. Emissions from the asphalt batch plant shall not exceed the following:

Equipment		PM	PM₁₀	SO₂	NO_x	CO	VOC
Asphalt Batch Plant	Grs/dscf	0.03	-	-	-	-	-
	lb/hr	10.0	10.0	77.6	19.3	45.5	15.4

[MEDEP Chapter 115, BPT]

- I. Fugitive particulate matter emissions from asphalt drum plant P717 shall be controlled so as to prevent visible emissions in excess of 10% opacity except for one 6-minute block average in any continuous 1-hour period. [MEDEP Chapter 101]

- J. Pike shall not process soils which are classified as hazardous waste or which have unknown contaminants. [MEDEP Chapter 115, BPT]
 - K. Pike may process up to 10,000 cubic yards per year of soil contaminated by gasoline or #2 fuel oil without prior approval from the Department. This limit may be exceeded with written authorization from the Department. The plant owner or operator shall notify the commissioner at least 24 hours prior to processing the contaminated soil and specify the contaminating fuel and quantity, origin of the soil and fuel and the disposition of the contaminated soil. [MEDEP Chapter 115, BPT]
 - L. In addition to the above, Pike may process up to 5,000 cubic yards per year of soil contaminated with virgin oil, as defined by the Bureau of Air Quality, without prior approval from the Bureau of Air Quality. Virgin oil processing shall be done at a mixture of no greater than 30% contaminated soil to 70% clean aggregate mix. Processing of virgin oil contaminated soils may require a solid waste processing facility license under MEDEP Chapter 409. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [MEDEP Chapter 115, BPT]
 - M. When processing contaminated soils, Pike shall maintain records which specify the quantity and type of contaminant in the soil as well as the origin and characterization of the contaminated soil. In addition, when processing contaminated soil, Pike shall maintain records of processing temperature, asphalt feed rates and dryer throughput on an hourly basis. The material shall be handled in accordance with the requirements of the Bureau of Remediation and Waste Management. [MEDEP Chapter 115, BPT]
 - N. Pike shall notify the Bureau of Air Quality regional inspector at least 7 days prior to processing soil contaminated with anything other than #2 fuel oil, gasoline or virgin oil. [MEDEP Chapter 115, BPT]
- (17) Asphalt Storage-silo Hot Oil Heater (Silo Heater #1)
- A. The sulfur content of the fuel oil fired in the Asphalt Storage-silo Hot Oil Heater shall not exceed 0.5% sulfur by weight for #2 fuel oil and 0.7% sulfur by weight for specification waste oil demonstrated by purchase records or certification from the supplier. [MEDEP Chapter 115, BACT]
 - B. Pike shall include the fuel consumed in Silo Heater #1 as part of the asphalt drum plant fuel record and the total fuel consumed in the tank heaters shall be included under the currently licensed asphalt batch plant fuel restriction of 225,000 gallons per year. [MEDEP Chapter 115, BACT]

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C. Emissions from Silo Heater #1 shall not exceed the following:

Equipment		PM	PM ₁₀	SO ₂	NO _x	CO	VOC
Hot Oil Heater	lb/hr	0.4	0.4	0.2	0.5	0.1	0.01

[MEDEP Chapter 115, BACT]

D. Visible emissions from the Silo Heater #1 shall not exceed 20% on a 6-minute block average. [MEDEP Chapter 101]

(18) Visible emissions from potential sources of fugitive particulate emissions, including material screens, material stockpiles and unpaved roadways, shall not exceed an opacity of 20 percent, except for no more than 5-minutes in any 1-hour period. Compliance shall be determined by an aggregate of the individual 15-second opacity observations which exceed 20 percent in any 1-hour. [MEDEP Chapter 101]

(19) Pike shall notify the Department within 48 hours and submit a report to the Department on a quarterly basis if a malfunction or breakdown in any component causes a violation of any emission standard (38 MRSA §605-C).

(20) Equipment Relocation [MEDEP Chapter 115, BPT]

A. Pike shall notify the Bureau of Air Quality, by a written notification at least 48 hours prior to relocation of any equipment carried on this license. Written notice may be sent by mail, facsimile (fax), or e-mail. Notification sent by mail shall be sent to the address below or to a Department Regional Office:

Attn: Relocation Notice
Maine DEP
Bureau of Air Quality
17 State House Station
Augusta, ME 04333-0017

Equipment relocation notification can also be done on-line with e-notice at www.maine.gov/dep/air/compliance/forms/relocation.

The notification shall include the address of the equipment's new location, an identification of the equipment and the license number pertaining to the relocated equipment.

B. Written notification shall also be made to the municipality where the equipment will be relocated, except in the case of an unorganized territory where notification will be made to the respective county commissioners.

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- (21) Pike shall keep a copy of this Order on site, and have the operator(s) be familiar with the terms of this Order. [MEDEP Chapter 115]
- (22) Pike shall pay the annual air emission license fee within 30 days of December 31 of each year. Pursuant to 38 MRSA 353-A, failure to pay this annual fee in the stated timeframe is sufficient grounds for the revocation of the license under 38 MRSA 341-D, Subsection 3.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

The term of this Order shall be for five (5) years from the signature above.

Date of initial receipt of application: **August 12, 2005**

Date of application acceptance: **November 23, 2005**

Date filed with the Board of Environmental Protection: _____

This Order prepared by, Peter G. Carleton, Bureau of Air Quality